

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AMARIN PHARMA INC.,

Plaintiffs,

VS.

HIKMA PHARMACEUTICALS AND  
DR. REDDY'S LABORATORIES  
(DRL),

Defendants,

2:16-CV-2525-MMD-NJK

MINUTES OF PROCEEDINGS

DATED: January 13, 2020

PRESENT:

THE HONORABLE **MIRANDA M. DU, U.S. DISTRICT JUDGE**

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: KATHY FRENCH

COUNSEL FOR PLAINTIFFS: Megan Keane, Christopher Sipes, Michael Kennedy, Jeffrey Ellikan, Alaina Whitt, Han Park, Daniel Farnolly, Eric Sonnenschein

COUNSEL FOR DEFENDANT HIKMA: Charles Klein, Eimeric Reig-Plessis, W. West Allen, Clair Fundakowski, Allison Heydorn

COUNSEL FOR DEFENDANT DRL: Constance Huttner, Michael Rounds, James Barabas

IN COURT PROCEEDINGS: Bench trial, day 1

Proceedings begin at 8:35 AM. Also present for Amarin: Joseph Kennedy as corporate representative, Barbara Kurys as patent counsel and Litigation Support Technician David Brooks. Also present for Defendants: Neema Kumar as corporate representative for Hikma, Andrew Allen and Deepth Jain as corporate representatives for DR and Litigation Support Technician Stephen Gros.

The Court asks counsel to refer to the paragraph number of any stipulated facts and to mention whether exhibits have been admitted as stipulated exhibits. The Court directs counsel to use abbreviations for the levels of triglyceridemia.

Mr. Sipes addresses the Court with regard to portions of exhibits that are confidential. The Court discusses the process for sealed testimony with counsel. Mr. Sipes advises the Court that the parties will provide a thumb drive of all the designated portions of depositions each party will be submitting for the Court's review. The depositions will contain hyperlinks to the exhibits.

Ms. Whitt advises the Court that Defendants have added to their exhibit list. The Court will address this issue later in the day.

Mr. Sipes and Mr. Klein present opening statements.

**Steve Ketchum** is sworn to testify. Ms. Kean examines the witness. Plaintiff's exhibit 1186 is marked and admitted. Stipulated exhibit 940 is admitted.

Recess: 10:18 AM – 10:39 AM.

Direct examination of **Steve Ketchum** resumes. Plaintiff's exhibits 482, 807, 289, 298, 297, 762, 942, 990, and 994 are marked and admitted.

Recess: 12:34 PM – 1:08 PM.

Direct examination of **Steve Ketchum** resumes. Plaintiff's exhibits 439, 1189, 272 and 1185 are marked and admitted. Defendants' exhibit 2247 is marked. Mr. Klein conducts cross examination.

Recess: 3:05 PM – 3:23 PM.

Cross examination of **Steve Ketchum** resumes. At the conclusion of cross examination, the following Defendants' exhibits are admitted: 1558, 1800, 1809, 1814, 1816, 1829, 1836, 1837, 1838, 2104, 2226, 2235, 2241, 2247, 2248, 2250, 2252, 2255, and 2267, without objection by Plaintiff. Plaintiff objects to Defendants' exhibits 2250 and 2299. The Court allows Mr. Klein to ask Dr. Ketchum about 2250. Mr. Klein conducts cross examination. Ms. Keane withdraws Plaintiff's objection to 2250. Defendants' exhibit 2250 is admitted. The Court will defer its ruling on Defendants' exhibit 2259 to allow Plaintiff an opportunity to review the demonstrative exhibit and verify its accuracy. Defendant's demonstrative slides may be attached to the minutes of this hearing. Counsel will report back to the Court.

Ms. Keane conducts redirect examination of **Steve Ketchum**. The witness is excused.

Ms. Whitt addresses the Court with regard to new exhibits Defendants have added to their exhibit list. Plaintiffs do not object to the addition of Defendants' exhibits 2266 and 2267. Mr. Rounds responds. The Court directs Defendants to identify the witness for which they plan to use the additional documents by 1/14/2020.

The Court directs Defendants to seek admission of exhibits at the time they are introduced, rather than waiting to the end of the examination.

Ms. Whitt offers a flash drive containing Matthew Budoff's slides, Plaintiff's demonstrative slides that will be used in the examination of Matthew Budoff and final deposition designations. The following exhibits are admitted in the depositions: 291, 292, 307, 294, 308, 273, 185, 186, 198, 196, 273, 193, 192, 195, 187, 188, 194, 274, 189, 190, 821, 814, 817, 818, 816, 813, 819, 814, 820, 812, 219, 21, 226, 227, 210, 216, 217, 219, 228, 208, 206, 207, 203, 479, 935, 753, 755, 757, 754, 479, 480, 474, 475, 472, 476, 469 and 470 are admitted.

Mr. Sipes asks the Court about whether counsel can speak to witnesses who are on the witness stand during breaks.

The Court discusses the schedule.

The bench trial is continued to January 14, 2020 at 8:30 AM.

Recess: 5:20 PM.

**DEBRA K. KEMPI, CLERK**  
U.S. District Court  
By: Peggie Vannozzi  
Deputy Clerk